UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,686	04/17/2000	Julia Hirschberg	2000-0026	1854

83224   7590   06/08/2009
AT & T LEGAL DEPARTMENT - NDQ
ATTN: PATENT DOCKETING
ONE AT & T WAY, ROOM 2A-207
BEDMINSTER, NJ 07921

EXAMINER
SPOONER, LAMONT M

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
06/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *3/25/09*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,4,5,8-10,24 and 27-31* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1,4,5,8-10,24 and 27-31* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *17 April 2000* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Introduction

1.　　This office action is in response to applicant's request for continued examination 3/25/09. Claims 1, 4, 5, 8-10, 24 and 27-31 are currently pending and have been examined.

Continued Examination Under 37 CFR 1.114

2.　　A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/09 has been entered.

Response to Arguments

3.　　Applicant's arguments filed 2/25/09, with respect to the 35 USC 112 rejection have been fully considered but they are not persuasive.

In response to applicant's arguments regarding the 35 USC 112 rejection as noted above, the Examiner notes and still finds, despite applicant's reference to Douglas A. Reynolds and further arguments,

applicant claims "**tagging** each of the one or more voice mail messages

with the respective identity and an **a matching score** of the respective

determined identity of the caller for each respective voice mal message."

The Examiner currently fails to locate the teaching of this claimed element

anywhere in the original disclosure or in any combination of incorporated

references. The Examiner notes, on p.7 lines 8-28 of applicant's

specification, applicant discusses tagging the voice mail message with the

callers identity if there is a match. The Examiner further notes in the above

cited section, the matching may be determined by a threshold process. The

Examiner advises the applicant to clearly point out where the newly added

limitation is taught. If the applicant is confused with question with respect to

the Examiner's position, the applicant is encouraged to initiate an interview

for clarification.

In regard to applicant's arguments with respect to the objection to the

specification, the amended specification is still not permitted, as the

Examiner is unable to determine by the original disclosure the required

information present in order to facilitate such an amendment. The original

disclosure does not teach the elements as discussed in the objection to the

specification, and the applicant is not permitted to insert these elements of

new matter in view of the Office Action or remarks, without having these

elements within the disclosure as originally presented (see meticulous

description of the objection to the specification below).

In regards to applicant's current arguments, 2/25/09 regarding 35

USC 103 (Epstein et al (6,327,343) in view of Kanevsky et al. (Kanevesky,

US 6,219,407)), these arguments have been fully considered but they are

not persuasive:

4.   Applicant's arguments, see remarks, filed 2/25/09, with respect to the

rejection(s) of claim(s) 1, 4-5, 9, 10, 24, 27-28 and 30-31 under 35 USC

103, Epstein et al (6,327,343) in view of Kanevsky et al. (Kanevesky, US

6,219,407)), with regard to applicant's new amended matter (i.e. adapting

the previously created speaker model) have been fully considered and are

persuasive. Therefore, the rejection has been withdrawn. However, upon

further consideration, a new ground(s) of rejection is made in view of

Epstein in view of Kanevsky and further in view of Sundberg et al.

(Sundberg, US 5,960,392). The Examiner further notes, applicant argues,

claim 24 is amended to included the similar limitations of claim 21, however

the Examiner notes, the "modified"/"adapted" identity or speaker model is

not included in the independent claim 24, which thus does not have any

new arguable subject matter.

The remaining arguments are based upon this premise, regarding

claims 8 and 29, page 10, paragraphs 1 and 2 respectively, are not

persuasive.

Applicant argues, "The Office Action rejects claims 8 and 29 under 35

U.S.C. § 103(a) as being unpatentable over Epstein et al. in view of

Kanevsky et al., and further in view of Murveit et al. (U.S. Patent No.

6,766,295) ("Murveit et al."). Applicants amend claim 8 to recite a similar

limitation to that found in claim 1. The new limitation is not taught or

suggested in Epstein et al., Kanevsky et al., or Murveit et al. Therefore,

Applicants submit that claim 8 is patentable over the cited references."

However it is evident, that Epstein et al teach the claimed invention

but does not explicitly teach receiving an identity of the unknown message

caller from a voice mail subscriber, and if the . However, this feature is well

known in the art as evidenced by Kanevsky et al who teaches (col. 5, lines

38-42, the subscriber enrolls the new caller, see also C.9.lines 29-35).

Therefore, one having ordinary skill in the art at the time the invention was

made would have found it obvious to modify Epstein voice mail message

for callers the enrollment of new callers as taught by Kanevsky because the

system would enroll any new message from a new caller for subsequent

processing, i.e. storing messages from the caller in a particular folder, etc

(ibid, Kanevsky).

It is further noted that Epstein and Kanevsky do not explicitly teach,

and if the received indicated identity matches a previously created speaker

model, receiving further comprises adapting the previously created speaker

model. However, the underlined feature is well known in the art as

evidenced by Murveit, who teaches adapting a previously created speaker

model (abstract, C.2 lines 39-60-his speaker unknown, tagged, and

subsequent updating, adapting of the speaker model to improve the

speaker recognition) in a first session with a speaker. Therefore, at the time

of the invention, it would have been obvious to modify the combination of

Kanevsky with Epstein's model with a modified model for a first encounter

for the benefit of improving the speech recognition system for a speaker

(abstract, Murveit) who's identity is to be determined.

It is the Examiner's position, that in the voice mail speaker recognition

system of Epstein, which is able to create an index folder for an initially

unknown speaker, after the speaker is identified, wherein Kanevsky further

explicitly speaks of a folder for the speaker being created, and thus the

lacking element is the combination being able to adapt a speaker model, in

the event that Epstein and Kanevsky do not initially recognize a speaker,

which already has a stored model. The combination of Murveit, then allows

a previously created speaker model to be updated. Thus, if Epstein's

previously created model, with the newly attached identity is able to update

his speaker model, the Examiner is unable to make a distinction between

the claimed elements and the current analysis of the claim, as discussed

above.

Specification

5.   The amendment filed 8/6/08 is objected to under 35 U.S.C. 132(a)

because it introduces new matter into the disclosure. 35 U.S.C. 132(a)

states that no amendment shall introduce new matter into the disclosure of

the invention. The added material which is not supported by the original

disclosure is as follows: "**Each voice mail message** may be **tagged** with

an indication of certainty of the identity of the caller for each respective

voice mail message, **regardless of whether a match is said to exist**

whether the identity is unknown."

The Examiner notes applicant's arguments citing the previous office

action and "inherency", however the objection to the specification regarding

new matter is with regard to more than just the applicant's arguments, it is

the combination of elements that are not found anywhere in the disclosure

and are not inherent.

Furthermore, the newly added element of 8/6/08, "such as altering

the specific matching score threshold, inspecting voice mail messages for

tagged indications of certainty of identity, etc." and "or visual cues showing

the tagged indication of the determined certainty such as a color scheme

change or a transparency effect" is also objected to as new matter.

Applicant is required to cancel the new matter in the reply to this

Office Action.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

7.   Claims 1, 4, 5, 8-10, 24, and 27-31 are rejected under 35 U.S.C. 112,

first paragraph, as failing to comply with the written description

requirement. The claim(s) contains subject matter which was not described

in the specification in such a way as to reasonably convey to one skilled in

the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. More specifically, applicant

claims, in claim 1, 8, and 24 "**tagging** each of the one or more voice mail

messages with the respective identity and **a matching score** of the

respective determined identity of the caller **for each respective voice mail**

message." The Examiner fails to locate the teaching of this claimed

element anywhere in the specification. The Examiner notes, on p.7 lines 8-

28 of applicant's specification, applicant discusses tagging the voice mail

message with the callers identity if there is a match. The Examiner further

notes in the above cited section, the matching may be determined by a

threshold process. The Examiner advises the applicant to clearly point out

where the newly added limitation is taught. Dependent claims 4, 5, 9, 10,

27-31 are rejected as they do not remedy the deficiency of their respective

parent claim 1 and claim 24.

8.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

9.   Claims 1, 4, 5, 9, 10 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the

specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention. In claim 1, lines 17, 18, "if the

received indicated identity matches a known identity, modifying the known

identity based on the received indicated identity" is not found anywhere in

the applicant's original disclosure. The Examiner notes in the specification,

p. 9 lines 10 and 11, "the speech signals in the message may be used to

modify an existing model." and no further teaching of modifying the known

identity based on the received indicated identity. For purpose of

examination and consistency with respect to claim 8, the Examiner has

interpreted this limitation as "adapting the previously created speaker

model." Applicant is advised to point out explicitly where this newly added

limitation is taught. Dependent claims 4, 5, 9 and 10 are rejected as they do

not remedy the deficiency of the parent claim 1.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 1, 4, 5, 9,10, 24, and 27, 28, 30, and 31 are rejected under 35

U.S.C. 103(a) as being unpatentable over Epstein et al (6,327,343) in view

of Kanevsky et al. (Kanevesky, US 6,219,407) and further in view of

Sundberg et al (Sundberg, US 5,960,392).

As per **claims 1 and 24**, Epstein et al teach a method for indexing

voice mail messages, comprising:

"Receiving one or more voice mail messages from one or more

callers" (co1. 6, lines 50-55);

"Determining the identity of each of the one or more callers in each of

the one or more voice mail messages (1) by comparing the speech signals

from each of the one or more voice mail messages with one or more caller

speaker models" (col. 7, lines 22-26) and (2) based on an analysis of the

content of each of the one or more voice mail messages (C.7.lines 32-35-

"his extractions of the callers name" as the content of the message);

"tagging each of the one or more voice mail messages with the respective determined identity and a matching score of the respective determined identity of the caller for each respective voice mal message." (abstract, the system is able of tagging the identity of a caller, col. 5, lines 37-45, his identification tagger 30, col. 7 lines 14-28-his probabilistic speaker recognition module, connected to the identity tagger, C.5 lines 38-50, and C.7 lines 21-26, "An **identification (ID) tagger module 30,** operatively connected to the **speaker recognizer module 22**, is provided for **electronically tagging the identity of the caller to the caller's message** or conversation or tagging..." and "If the speaker is identified by matching the received voice data with previously stored voice model of such speaker..." The Examiner notes that it is explicitly inherent, without room for alternate interpretation, in a **speech recognition module** based on the comparison of models, and a matching computation, there is an inherent value that must be matched, and the matching/identification of such **is inherently and defined by a degree of certainty,** thus providing identity tagging based on a degree of certainty, matching score, of the voice mail message being tagged by the ID, based upon speech recognition and matching.); and

when the determined identify of the caller of a voice mail message

cannot be determined to a threshold certainty (see above discussion of

certainty with respect to matching and probability);

tagging that voice mail message as unknown" (col. 7, lines 55-61, if

the identity of the caller ultimately cannot be identified, the user (voice mail

subscriber) 12 may program the system trough the programming interface

38 to process the call based on the unknown caller; and the system may be

programmed to store the name and originating telephone number of every

caller at col. 8, lines 15-17).

if the received indicted identity does not match any known identities

(C.7 lines 39-41-his unable to identify caller), creating a storage folder for

voice mail messages from the caller corresponding to the identity (C.7 lines

58, and 59-his caller to voice mail, wherein the voice mail is a created

storage folder based on his identification process, see C.7 lines 14-55-

which candidly teaches once the identity is received, in conjunction with

C.13.lines 39-65-his tagging and folder creation for a user, provides a

storage, indexing embodiment).

It is noted that Epstein et al teach the claimed invention but does not

explicitly teach receiving an indicated identity of the unknown message

caller from a voice mail subscriber, and creating a storage folder for voice

mail messages from the caller corresponding to the indicated <u>received</u>

<u>identity</u>. However, this feature is well known in the art as evidenced by

Kanevsky et al who teaches (col. 5, lines 38-42, the subscriber enrolls the

new caller, see also C.9.lines 29-35). Therefore, one having ordinary skill in

the art at the time the invention was made would have found it obvious to

modify Epstein voice mail message for callers with the enrollment of new

callers as taught by Kanevsky because the system would enroll any new

message from a new caller for subsequent processing, i.e. storing

messages from the caller in a particular folder, etc (ibid, Kanevsky).

Epstein in view of Kanevsky do not explicitly teach "if the received

indicated identity matches a known identity, modifying the known identity

based on the received indicated identity.

However, Sundberg teaches modifying the known identity based on

the received indicated identity (C.4 lines 30-44-his new model units based

on his known, received indicated identity with his initial speaker model,

modify with the new model units, thereby adapting the previous speaker

model/known identity, based on the received indicated identity by

recognition model). Therefore, one having ordinary skill in the art at the

time the invention was made would have found it obvious to modify

Kanevsky with Epstein's speaker recognition model, with Sundberg's

adapted speaker recognition model, providing the benefit of keeping a

speakers recognition model current in the event the speaker or system is

subjected to changes, including physiology, behavior, aging (C.1 lines 14-

19, Sundberg).

As per **claims 4 and 27**, Epstein, Kanevsky and Sundberg make

obvious claim 1, Epstein further teaches wherein the one or more caller

speaker models are created from one or more voice mail messages left by

a same caller (C.5.lines 10-17-his voice data as the voice mail message).

As per **claims 5 and 28**, Epstein , Kanevsky and Sundberg make

obvious claim 1, Epstein further teaches wherein the one or more speaker

models are created using acoustic features extracted from the voice mail

message, the acoustic features extracted using speaker recognition

techniques (C.8.lines 36-56).

As per **claims 9 and 30**, Epstein a, Kanevsky and Sundberg make

obvious claim 1, Epstein further teaches wherein the step of determining

the identity of each of the one or more callers in each of the one or more

voice mail messages includes the substep of:

using automatic number identification to assist in determining the

caller's identity (C.5 lines 52-65).

As per **claims 10 and 31**, Epstein , Kanevsky and Sundberg make

obvious claim 1, Epstein further teaches, wherein the step of determining

the identity of each of the one or more callers includes the substep of:

using speech recognition techniques to extract caller identity

information from the one or more voice mail messages (C.8.lines 36-55).

12.   Claims 8 and 29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Epstein et al (6,327,343) in view of Kanevsky et al.

(Kanevesky, US 6,219,407), and further in view of Murveit et al. (Murveit,

US 6,766,295), and further in view of Sundberg (US 5,960,392).

As per **claim 8**, Epstein et al teach a method for indexing voice mail

messages, comprising:

"Receiving one or more voice mail messages from one or more

callers" (co1. 6, lines 50-55);

"Determining the identity of each of the one or more callers in each of

the one or more voice mail messages (1) by comparing the speech signals

from each of the one or more voice mail messages with one or more caller

speaker models" (col. 7, lines 22-26) and (2) based on an analysis of the

content of each of the one or more voice mail messages (C.7.lines 32-35-

"his extractions of the callers name" as the content of the message);

"tagging each of the one or more voice mail messages with the

respective identity and a matching score of the respective determined

identity of the caller for each respective voice mal message." (abstract, the

system is able of tagging the identity I of a caller, col. 5, lines 37-45, his

identification tagger 30, col. 7 lines 14-28-his probabilistic speaker

recognition module, connected to the identity tagger); and

when the identify of the caller of a voice mail message cannot be

determined; tagging that voice mail message as unknown" (col. 7, lines 55-

61, if the identity of the caller ultimately cannot be identified, the user (voice

mail subscriber) 12 may program the system trough the programming

interface 38 to process the call based on the unknown caller; and the

system may be programmed to store the name and originating telephone

number of every caller at col. 8, lines 15-17)

receiving an indicated identity of the caller, wherein if the voice mail

message is tagged as unknown (C.7 lines 39-41-his unable to identify

caller), receiving further comprises creating a storage folder for voice mail

messages from the caller corresponding to the received caller identity (C.7

lines 58, and 59-his caller to voice mail, wherein the voice mail is a created

storage folder based on his identification process, see C.7 lines 14-55-

which candidly teaches once the identity is received, in conjunction with

C.13.lines 39-65-his tagging and folder creation for a user, provides a

storage, indexing embodiment).

It is noted that Epstein et al teach the claimed invention but does not

explicitly teach receiving an identity of the unknown message caller from a

voice mail subscriber, and if the . However, this feature is well known in the

art as evidenced by Kanevsky et al who teaches (col. 5, lines 38-42, the

subscriber enrolls the new caller, see also C.9.lines 29-35). Therefore, one

having ordinary skill in the art at the time the invention was made would

have found it obvious to modify Epstein voice mail message for callers the

enrollment of new callers as taught by Kanevsky because the system

would enroll any new message from a new caller for subsequent

processing, i.e. storing messages from the caller in a particular folder, etc

(ibid, Kanevsky).

It is further noted that Epstein and Kanevsky do not explicitly teach,

and if the received indicated identity matches a previously created speaker

model, receiving further comprises <u>adapting the previously created speaker</u>

model. However, the underlined feature is well known in the art as

evidenced by Murveit, who teaches adapting a previously created speaker

model (abstract) in a first session with a speaker. Therefore, at the time of

the invention, it would have been obvious to modify the combination of

Kanevsky with Epstein's model with a modified model for a first encounter

for the benefit of improving the speech recognition system for a speaker

(abstract) who's identity is to be determined.

    As per **claim 29**, claim 29 sets forth limitations similar to claims 1 and

8 is completely within the scope of rejected claims 1, and 8, and is thus

rejected for the same reasons and under the same rationale.

Conclusion

13.   Any inquiry concerning this communication or earlier communications

from the examiner should be directed to LAMONT M. SPOONER whose

telephone number is (571)272-7613. The examiner can normally be

reached on 8:00 AM - 5:00 PM.

    If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, David Hudspeth can be reached on 571/272-7843.

The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

PAIR or Public PAIR. Status information for unpublished applications is

available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free).

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

lms
6/3/09